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SERIES II No. 20

OFFICIAL GAZETTE

GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

Note:- There is one Extraordinary issue to the Official Gazette, Series II No. 19 dated 05-08-2010 namely: Extraordinary dated 10-08-2010 from pages 449 to 450 regarding Notification from Department of Elections (Office of the Chief Electoral Officer).

GOVERNMENT OF GOA

Department of Agriculture

Directorate of Agriculture

Order

No. 3/4/P&E/Plan/37/2010-11/D.Agri/237

Government is pleased to constitute the following Committee of working Group comprising of Experts, Agricultural Scientists and farmers to formulate an "Agricultural and Horticultural Policy" to make agriculture more active and economical for the farmers in the State.

1. Minister for Agriculture ... Chairman.
2. Chairman, Goa State Horticulture Corporation Ltd. ... Member.
3. Secretary (Agriculture) ... Member.
4. Subject Matter Expert in Horticulture-nominee of Government of India ... Member.
5. Chairman, Goa Bagayatdar Co-operative Society, Ponda or his representative ... Member.
6. Chairman, Pernem Farmers Co-operative Society, Pernem or his representative ... Member.
7. President, Kisan Sanghtana, Bicholim or his representative ... Member.
8. President, Sugarcane Growers Association or his representative ... Member.
9. Chairman, Goa Cashew Growers Association or his representative ... Member.

10. Director, ICAR Complex Old Goa or his representative ... Member.
11. Chief Engineer, Water Resources Department, Panaji or his representative ... Member.
12. Chief Conservator of Forest, Panaji-Goa or his representative ... Member.
13. Lead District Manager, SBI, Panaji ... Member.
14. Shri P. K. Dessai, Ex Director of Agriculture, Farmer & Trader, Panaji ... Member.
15. Director of Agriculture, Tonca, Caranzalem ... Member Secretary.

The terms and conditions shall be as follows:

1. To suggest ways and means to ensure growth in agriculture by aggregation and integration of all rural programmes, so that farmers get substantial return from agricultural land resources.
2. To suggest ways and means to develop agriculture support services including provision of seeds, irrigation, power, machinery, implements, fertilizers and credit at affordable prices.
3. To suggest methods to protect and improve available resources viz. land, water, bio-diversity and genetic resources which are essential for sustained increase in productivity.
4. To suggest ways for promoting market driven economy.
5. To suggest suitable measures to encourage horticulture and high value crops.
6. To suggest measures to conserve soil and water resources.
7. To suggest measures for developing marketing network, cold storages and post harvest management chain.

8. To recommend resolutions/rules to be framed if any to be approved by the Government for implementation of Agricultural and Horticultural Policy.
9. To advise the Government on certain amendments to the existing Acts and Rules if necessary.
10. Suggest measures for involving Public Private Partnership for bringing in new agricultural venture.

Duration of the Committee: The Committee shall function for an initial period of one year. The Committee shall submit the preliminary report within a period of four months from the date of its constitution and final report within five months of the formation.

Meetings: The meeting shall be held at least once in a month or more if required.

Sitting fees: Government nominees by designation shall be official members and will not be paid any sitting fees. All other non-official members shall be paid sitting fees of Rs. 500/- per sitting.

Financial Expenditure: The entire expenditure for the Agriculture Advisory Committee shall be borne by Directorate of Agriculture within the allocated funds under appropriate head of accounts.

By order and in the name of the Governor of Goa.

Satish S. P. Tendulkar, Director of Agriculture and ex officio Joint Secretary.

Tonca, Caranzalem, 2nd August, 2010.

Order

No. 2/12/98-Agri/Part II/193

Read: Order No. 2/12/98-Agri/Part II/138 dated 18-06-2010.

In pursuance of Article 76(i) of the Memorandum of Association the Government of Goa is pleased to nominate and appoint Director of Agriculture, Tonca, Caranzalem, as a Director on the Board of Directors of Goa State Horticulture Corporation Limited, Tonca, Caranzalem-Goa, with immediate effect.

By order and in the name of the Governor of Goa.

Satish S. P. Tendulkar, Director of Agriculture and ex officio Joint Secretary.

Tonca, Caranzalem, 5th August, 2010.

Department of Education, Art & Culture

Directorate of Higher Education

Order

No. DHE/Dist of work/08-09/1908

Sanction of the Government of Goa is hereby accorded for re-employment of the below mentioned retired Accounts Cadre Personnel from the Directorate of Accounts on contract basis initially for a period of one year with effect from the date of their joining for the purpose of carrying out auditing work of the Government aided Colleges under administrative control of this Directorate as being entrusted by the Controlling Authority from time to time:-

- | | |
|--------------------------|----------------|
| 1. Shri Madhusuden Naik | — Retired DDA. |
| 2. Shri Anand P. Gaonkar | — Retired AAO. |
| 3. Shri Mohandas V. P. | — Retired |
| Mahambre | Accountant. |

The appointment is subject to execution of the statutory agreement by them specifying the terms and conditions of their re-employment. They shall draw emoluments as admissible under CCS (Fixation of pay re-employed pensioners) Orders, 1986.

Their payment of emoluments shall be debitable to the Budget Head of Account under Demand No. 35:—2202—General Education, 03—University & Higher Education, 001—Direction & Administration, 01—Directorate of Higher Education (Plan), 01—Salaries.

By order and in the name of the Governor of Goa.

R. K. Halarnkar, Under Secretary (Higher Education).

Panaji, 30th July, 2010.

Order

No. 23/2/2009-HE(Q)/1963

Read: i) Government Order No. 23/6/94-EDN dated 26-10-94.

ii) Government Order No. 23/5/93-EDN dated 17-3-94.

On the recommendation of the Goa Public Service Commission made vide its letter No. COM/II/12/15(3)/06/Partfile/158 dated 18-06-2010, the Government is pleased to declare completion of the probation period successfully by the following Lecturers of the Government College

of Arts, Science and Commerce, Quepem and to confirm them in the post held by them w.e.f. the date of initial appointment as indicated below:-

Sr. No.	Name of the Officer	Designation	Date of regular appointment in Government service	Date of completion of probation period
1.	Shri Narayan Bandodkar	Lecturer in Physics	05-8-1993	4-8-1995.
2.	Ms. Maria Jacqueline Menezes	Lecturer in Chemistry	1-10-1994	30-9-1996.

By order and in the name of the Governor of Goa.

R. K. Halarnkar, Under Secretary (Higher Education).

Panaji, 2nd August, 2010.

Directorate of Technical Education
College Section

Order

No. 16/228/Recruit-Posts/DTE/GEC/Pf.I/3280

Read: Memorandum No. 16/228/Recruit-Posts/DTE/GEC/Pf.I/2098 dated 14-06-2010.

On the recommendations of the Goa Public Service Commission conveyed vide their letter No. COM/I/5/18(4)/94-09/Vol.I/108 dated 22nd April, 2010, Government is pleased to appoint Shri Mahesh Mohan Caisucar on temporary basis against a resultant vacancy created due to voluntary retirement of Shri George Easaw, Lecturer for the post of Lecturer (Mechanical Engineering) (Group 'A' Gazetted) in the Goa College of Engineering, Farmagudi, Ponda-Goa on an initial basic pay with pay protection of Rs. 9,375/- pm in the pre-revised pay scale of Rs. 8,000-275-13,500 with effect from the date of joining the post as per the terms and conditions contained in the Memoradum cited above.

Shri Mahesh Mohan Caisucar will be on probation for a period of two years.

He should join duties within 30 days of the receipt of this order, failing which this order is liable to be cancelled without further notice.

He has been declared fit by Medical Authorities vide letter No. 4/106/84-H/GMC/232 dated

09-7-2010. The appointment is subject to verification of character and antecedents.

By order and in the name of the Governor of Goa.

Vivek B. Kamat, Director of Technical Education and ex officio Additional Secretary.

Porvorim, 4th August, 2010.

Order

No. 11/4/79/10/PF/SM/DTE/2010/3290

Read: Memorandum No. DTE/ADC/11/1/41/2007/Pt.III/2225 dated 26-06-2010.

On the recommendations of the Goa Public Service Commission conveyed vide their letter No. COM/I/5/33(7)/2006/134 dated 18-05-2010, Government is pleased to appoint Kum. Shailaja Mallya on temporary basis against vacant post of Lecturer (Pharmacology) (Group 'A' Gazetted) in the Goa College of Pharmacy, Panaji-Goa on an initial basic pay of Rs. 8,000/- in the pre-revised pay scale of Rs. 8,000-275-13,500 with effect from the date of joining the post as per the terms and conditions contained in the Memorandum cited above.

Kum. Shailaja Mallya will be on probation for a period of two years.

She should join duties within one month of the receipt of this order, failing which this order is liable to be cancelled without further notice.

She has been declared fit by Medical Authorities vide letter No. 4/106/84-H/GMC/233 dated 09-7-2010. The appointment is subject to verification of character and antecedents.

This post is created vide Order No. 11/3/30/2008/DTE/1730 dated 16-09-2009.

By order and in the name of the Governor of Goa.

Vivek B. Kamat, Director of Technical Education and ex officio Additional Secretary.

Porvorim, 4th August, 2010.

Order

No. 11/4/78/10/PF/MKJ/DTE/2010/3291

Read: Memorandum No. DTE/ADC/11/1/41/2007/Pt.III/2305 dated 02-07-2010.

On the recommendations of the Goa Public Service Commission conveyed vide their letter

No. COM/I/5/33(1)/2010/131 dated 18-05-2010, Government is pleased to appoint Smt. Mythili Krishna Jeedigunta on temporary basis against vacant post of Lecturer (Pharmacognosy) (Group 'A' Gazetted) in the Goa College of Pharmacy, Panaji-Goa on an initial basic pay of Rs. 8,000/- in the pre-revised pay scale of Rs. 8,000-275-13,500 with effect from the date of joining the post as per the terms and conditions contained in the Memorandum cited above.

Smt. Mythili Krishna Jeedigunta will be on probation for a period of two years.

She should join duties within one month of the receipt of this order, failing which this order is liable to be cancelled without further notice.

She has been declared fit by Medical Authorities vide letter No. 4/106/84-H/GMC/246 dated 23-7-2010. The appointment is subject to verification of character and antecedents.

This post is created vide Order No. 11/3/30/2008/DTE/1730 dated 16-09-2009.

By order and in the name of the Governor of Goa.

Vivek B. Kamat, Director of Technical Education and ex officio Additional Secretary.

Porvorim, 4th August, 2010.

Order

No. 11/4/80/10/PF/VSHD/DTE/2010/3292

Read: Memorandum No. DTE/ADC/11/1/41/2007/Pt.III/2224 dated 25-06-2010.

On the recommendations of the Goa Public Service Commission conveyed vide their letter No. COM/I/5/33(7)/2006/134 dated 18-05-2010, Government is pleased to appoint Smt. Vedita Sameet Hegde Desai on temporary basis against vacant post of Lecturer (Pharmacology) (Group 'A' Gazetted) in the Goa College of Pharmacy, Panaji-Goa on an initial basic pay of Rs. 8,000/- in the pre-revised pay scale or Rs. 8,000-275-13,500 with effect from the date of joining the post as per the terms and conditions contained in the Memorandum cited above.

Smt. Vedita Sameet Hegde Desai will be on probation for a period of two years.

She should join duties within one month of the receipt of this order, failing which this order is liable to be cancelled without further notice.

She has been declared fit by Medical Authorities vide letter No. 4/106/84-H/GMC/234 dated 09-7-2010. The appointment is subject to verification of character and antecedents.

This post is created vide Order No. 11/3/30/2008/DTE/1730 dated 16-09-2009.

By order and in the name of the Governor of Goa.

Vivek B. Kamat, Director of Technical Education and ex officio Additional Secretary.

Porvorim, 4th August, 2010.

Order

No. 16/2/25/2001/DTE/3307

Read: Memorandum No. 16/2/25/2001/DTE/2350 dated 07-07-2010.

On the recommendations of the Goa Public Service Commission conveyed vide their letter No. COM/I/5/5(1)/2009/156 dated 10-06-2010, Government is pleased to appoint Shri Victor Caetano Xavier D'Souza on temporary basis against vacant post of System Analyst (Group 'A' Gazetted) in the Goa College of Architecture, Altinho, Panaji-Goa, on an initial basic pay of Rs. 8,000/- in the pre-revised pay scale of Rs. 8,000-275-13,500 with effect from the date of joining the post as per the terms and conditions contained in the Memorandum cited above.

Shri Victor Caetano Xavier D'Souza will be on probation for a period of two years.

He should join duties within one month of the receipt of this order, failing which this order is liable to be cancelled without further notice.

He has been declared fit by Medical Authorities vide letter No. 4/106/84-H/GMC/253 dated 28-7-2010. The appointment is subject to verification of character and antecedents.

This post has been revived vide Order No. DTE/ADC/16/2/34/2007/1173 dated 24-7-2009.

By order and in the name of the Governor of Goa.

Vivek B. Kamat, Director of Technical Education and ex officio Additional Secretary.

Porvorim, 5th August, 2010.

Department of Finance

Directorate of Accounts

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Order

No. DA/Admn/45-2/2010-11/TR-1775/57

Government is pleased to extend the ad hoc promotion of Shri Prakash Chanekar, Assistant Accounts Officer under Common Accounts Cadre for a further period of 3 months from 29-07-2010 to 28-10-2010, or till the date the post is filled on regular basis, whichever is earlier.

By order and in the name of the Governor of Goa.

P. S. Gude, Joint Secretary.

Panaji, 30th July, 2010.

Order

No. DA/Admn/45-5/10-11/TR-1850/59

The Government is pleased to order the transfer and posting of Shri Suresh B. Vernekar, Dy. Director of Accounts/Accounts Officer under Common Accounts Cadre who was repatriated from the District Rural Development Agency (North), Panaji and reported to this Directorate on 26-07-2010 and was awaiting posting since then to Goa Information Technology Corporation, Porvorim (on deputation) against vacant post with immediate effect on administrative grounds thereby relieving Smt. Maria Goretti Colaco, Dy. Director of Accounts/Accounts Officer of additional duties.

The period from 26-07-2010 to 05-08-2010 is treated as duty and shall be dealt with for the purpose of payment of salary in accordance with Government of India decision 20 below F.R. 9 (6)(b)(ii).

And his salary for the period from 26-07-2010 to 05-08-2010 be drawn against the vacant higher post at Directorate of Accounts, Panaji.

Deployment of Shri Suresh B. Vernekar, Dy. Director of Accounts/Accounts Officer will be on deputation basis initially for a period of one year in the first instance and shall be regulated as per the standard terms of deputation contained in the Office Memorandum No. 13/4/74-PER dated 12-02-1999 and even No. dated 11-01-2007 issued by the Personnel Department, Government of Goa, as amended from time to time.

The Goa Information Technology Corporation, Porvorim, shall be liable to pay to the Government leave salary and pension contribution in respect of Shri Suresh B. Vernekar, Dy. Director of Accounts/Accounts Officer at the prescribed rates.

On expiry of the deputation period, Shri Suresh B. Vernekar, Dy. Director of Accounts/Accounts Officer shall stand relieved on expiry of deputation period to report back to the parent Department, unless the deputation period is extended by the Competent Authority. In the event Shri Suresh B. Vernekar, Dy. Director of Accounts/Accounts Officer, overstays for any reason whatsoever, he will be liable for disciplinary action and other adverse Civil/Service consequences.

Wherever the transferees do not change their place of residence from old station to new, they will not be entitled for availing of joining time nor transfer TA as provided under CCS Rule.

Wherever the transferees do not change their place of residence from old station to new, they will not be entitled for availing of joining time nor transfer TA as provided under CCS Rule.

On joining their new assignments, the officers shall send CTC/Joining Report to this Directorate immediately for records.

By order and in the name of the Governor of Goa.

P. S. Gude, Joint Secretary.

Panaji, 5th August, 2010.

Corrigendum

No. DA/Admn/45-9/10-11/TR-1790/58

Read: Order No. DA/Admn/45-9/10-11/TR-1570/48 dated 21-07-2010.

In the above cited Order Deputation term of Shri Suresh B. Vernekar, Accounts Officer stands extended upto 22-07-2010 may be read as Deputation term of Shri Suresh B. Vernekar, Accounts Officer stands extended upto 26-07-2010. Other contents in the order remain unchanged.

P. S. Gude, Director of Accounts.

Panaji, 2nd August, 2010.

Department of General Administration

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Order

No. 14/8/2001-GAD-III(A)/1936

On the recommendation of the Departmental Promotion Committee, as conveyed by the Goa Public Service Commission vide its letter No. COM/II/11/42(1)/99/181 dated 14-07-2010, the following Senior Assistants, in the Secretariat are hereby promoted on regular basis to the post of Section Officer (Group "B" Gazetted) in the Secretariat in the Pay Scale of Rs. 9,300-34,800 plus Grade Pay of Rs. 4,600/- with immediate effect:

1. Shri Prabhakar S. Chopdekar.
2. Shri Rajan V. Velingkar.
3. Shri Dhananjay R. Prabhu.

2. Shri Anil S. Nanodkar, Senior Assistant is promoted to the post of Section Officer (Group "B" Gazetted) in the Secretariat in the Pay Scale of Rs. 9,300-34,800 plus Grade Pay of Rs. 4,600/- on ad hoc basis with immediate effect and on regular basis with effect from 01-09-2010.

3. The above officers shall exercise option for fixation of their pay in the promotional grade, in terms of provisions of F.R. 22 (I) (a) (1) within a period of one month from the date of their promotion as Section Officer. The option once exercised shall be final.

4. The expenditure towards pay and allowances of the officers shall be debited to the following Budget Head:

Sr. No.	Name of the Officers	Budget Head
1	2	3
1.	Shri Prabhakar S. Chopdekar	2052— Secretariat General Services 00—
2.	Shri Rajan V. Velingkar	090— Secretariat (Non-Plan) 01— Department of Personnel & A.R. 01— Salaries
3.	Shri Dhananjay R. Prabhu	2052— Secretariat General Services 00— 090— Secretariat (Non-Plan) 06— Planning Department 01— Salaries

1	2	3
4.	Shri Anil S. Nanodkar	2052— Secretariat General Services 00— 090— Secretariat (Non-Plan) 05— Revenue Department 01— Salaries.

5. They shall be probation for a period of 2 years.

By order and in the name of the Governor of Goa.

Prabhakar V. Vaingankar, Under Secretary (GA).

Porvorim, 3rd August, 2010.

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Department of Labour

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Notification

No. 28/1/2010-LAB

The following award passed by the Labour Court-II, at Panaji-Goa on 09-06-2010 in reference No. LC-II/IT/9/09 is hereby published as required by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

B. S. Kudalkar, Under Secretary (Labour).

Porvorim, 28th July, 2010.

THE LABOUR COURT-II
GOVERNMENT OF GOA
AT PANAJI-GOA

(Before Shri Suresh N. Narulkar, Hon'ble Presiding Officer)

Case No. LC-II/IT/9/09

Shri Mahendra Naik,
Rep. by General Secretary,
Gomantak Mazdoor Sangh,
G-5, Machado Apts.,
Tisk, Ponda-Goa.

... Workman/Party I

V/s

M/s. Pack-A-Well,
Plot No. 9, 10, 11 & 14,
Kundaim Industrial Estate,
Kundaim-Goa.

... Employer/Party II

Party I/Workman represented by Shri P. Gaonkar.

Party II/Employer marked as ex-parte.

Panaji, Dated: 09-06-2010.

AWARD

1. In exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) the Government of Goa by order dated 22-09-2009 bearing No. 28/16/2009-LAB/973 referred the following dispute for adjudication by the Industrial Tribunal of Goa.

“(1) Whether the action of the Management of M/s. Pack-A-Well, Kundaim-Goa in changing the service conditions and refusing employment w.e.f. 13-08-2008 leading to termination of services of Shri Mahendra Naik, Supervisor and Employer's refusal to entertain the demand for reinstatement with full back wages and continuity of service on the same terms and conditions is legal and justified?

(2) If not, to what relief the Workman is entitled to ?”

2. On receipt of the reference, a case was registered under No. LC-II/IT/9/09 and registered A/D notice was issued to the parties. In pursuance to the said notice, the Workman/Party I put in his appearance. The Employer/Party II was duly served by registered A/D notice, however failed and neglected to appear on 18-11-2009 and subsequent scheduled dates of hearing without any justifiable cause, hence the Employer/Party II was marked as ex-parte. The Workman/Party I (for short 'Workman'), filed his statement of claim on 18-11-2009 at Exhibit-3. The facts of the case in brief as pleaded by the Workman are that the Gomantak Mazdoor Sangh is a registered Trade Union registered under the Trade Union Act, 1926 and it represents almost all the workmen employed by the Employer/Party II at Goa plants. He stated that the Employer/Party II (for short "Employer") is an industrial establishment carrying out the job work of printing and packing of multinational companies such as Colgate and Palmolive, Whisper, etc. He stated that the Employer is carrying out its business activities in its factory at Kundaim Industrial Estate, Kundaim-Goa since the year 1998. He stated that though the business of the Employer Company was increasing every year, the Employer was implementing the various unfair labour practices such as non-payment of minimum wage, non-coverage of the workers under ESIC,

Provident Fund from the initial date of employment of the Workmen. He stated that he joined with the Employer Company in June, 1998. He stated that he worked with the Employer Company from the date of his joining till the date of refusal of employment continuously without any break. He stated that because he joined the Union alongwith the other workers, he was not allowed to resume the duty w.e.f. 13-08-2008. He stated that he made a demand for reinstatement vide his representation dated 13-08-2008 on refusal of his employment by the Employer Company, but the employer refused to allow him to resume the duty. He stated that he raised an Industrial Dispute before the Assistant Labour Commissioner, Ponda through their Union vide letter dated 13-08-2008 which ended in failure due to the adamant attitude of the Employer. He stated that neither any charge sheet nor any enquiry was conducted against him before the refusal of employment and hence the Employer Company has violated the principles of natural justice. He stated that he was not paid or offered any retrenchment compensation, notice pay and other dues etc., at the time of refusal of his employment and hence the refusal of his employment is in violation of Sec. 25-F of the I. D. Act, 1947. He stated that after refusal of employment to him, the employer has employed new Workman on his place of work and he was not re-employed by the Employer and hence violated the provisions of Section 25-H of the I. D. Act, 1947. He submitted that before refusal of employment to him, the Employer has not followed the procedure in accordance with Section 25-G of the I. D. Act, 1947 and as such violated the said provisions of the I. D. Act. He submitted that at the time of refusal of employment to him, the matter of Charter of Demands was pending before the Conciliation Officer since 12-08-2008 and the first meeting was fixed by the Assistant Labour Commissioner and Conciliation Officer, Ponda-Goa. He submitted that the Employer has not obtained any permission of the appropriate authority nor an application u/s 33 of the Industrial Disputes Act, 1947 was filed before the appropriate authority and hence violated the provisions of Sec. 33 of the I. D. Act, 1947. He submitted that before refusal of employment to him, the provisions of the I. D. Act, 1947 were not followed by the Employer. He therefore contended that the refusal of employment to him by the Employer is illegal, unjustified and bad in law and hence he is entitled to reinstate with full back wages and continuity in services. He submitted that since his refusal of employment, he is unemployment and could not succeed in getting any employment. He therefore prayed that

the refusal of employment to him be declared as illegal, unjustified and bad in law and direct the Employer to reinstate him in their employment with full back wages and continuity in service. He has also requested for awarding the cost of the present petition.

3. Though the Employer Company has been duly served with summons of this Hon'ble Court by registered A/D, notice the Employer failed to appear before this Hon'ble Court on the scheduled dates of hearing and consequently failed to resist the present claim statement of the Workman.

4. Based on the pleadings filed by the Workman in the present reference this Court framed the following issues on 10-12-2009 at Exhibit-4.

1. *Whether the Workman/Party I proves that he was employed with Employer/Party II as a "Supervisor" w.e.f. June, 1998 till the date of his termination on 13-08-2008 continuously without any break in service?*
2. *Whether the Workman/Party I proves that the Employer/Party II had refused employment to him w.e.f. 13-08-2008?*
3. *Whether the Workman/Party I proves that Employer/Party II had violated Section 33 of the Industrial Disputes Act, 1947?*
4. *Whether the Workman/Party I proves that the action of the Employer/Party II in refusing employment to him is illegal and unjustified?*
5. *Whether the Workman/Party I proves that he is entitled for any relief?*
6. *What Award? What Order?*

5. My answers to the aforesaid issues are as under:

- Issue No. 1: In the affirmative.
- Issue No. 2 : In the affirmative.
- Issue No. 3: In the negative.
- Issue No. 4: In the affirmative.
- Issue No. 5: In the affirmative.
- Issue No. 6: As per final order.

REASON

6. *Issues No. 1:* It is the Workman who has raised an Industrial Dispute by contending that he was employed with the Employer as a 'Supervisor' w.e.f. June, 1998 till the date of his termination on 13-08-2008 continuously without any break in service. Therefore, the burden to prove the said contention is on him.

I have heard the arguments of the Ld. Rep. Shri P. Gaonkar appearing for the Workman.

7. The Ld. Rep., Shri P. Gaonkar representing the Workman, during the course of his oral arguments submitted that in order to prove the existing Issue No. 1, the Workman has examined himself and also produced on record certain documentary evidence. He submitted that the Workman in his Affidavit-in-Evidence filed in the present proceedings, on record, clearly stated that he was working with the Employer Company as a 'Supervisor' since June, 1998 till the refusal of employment to him w.e.f. 13-08-2008 continuously without any break in service. He submitted that no appointment letter was issued to the Workman. He submitted that the Workman has produced on record his Experience Certificate dated 31-12-2007 issued to him by the Employer Company at Exb. W/9. He submitted that the said Experience Certificate on record at Exb. W/9 clearly stated that the Workman was working with the Employer Company for the past nine and half years as a Supervisor-cum-Technician since June, 1998. He submitted that the oral as well as the documentary evidence on record clearly establish that the Workman was working continuously with the Employer Company since June, 1998 till the date of his termination of service w.e.f. 13-08-2008. He submitted that the aforesaid oral as well as documentary evidence produced by the Workman on record remain unchallenged for want of denial by the Employer.

I have carefully perused the records of the present case. I have also considered the various legal submissions made by the Ld. Rep. Shri P. Gaonkar for the Workman.

8. In order to prove the Issue No. 1, the Workman has produced on record certain documentary evidence in support of his oral evidence. The Workman in his oral evidence on record clearly stated that he was working with the Employer Company as a 'Supervisor' since June, 1998 continuously without any break in service till the refusal of employment to him on 13-08-2008. He stated that though he was designated as 'Supervisor', he was doing the work of maintaining the production records, filling of challans and other clerical works related to dispatch and production records. In support of his oral evidence the Workman has produced on record an Identity Card issued by E.S.I. Corporation (Exb. W/7), an experience certificate dated 31-12-2007 issued by the Employer Company (Exb. W/9), copies of the returns filed by the Employer Company from

March, 2000 to February, 2008 (Exb. W/8-colly). The said Experience Certificate dated 31-12-2007 issued by the Party II on record at Exhibit-W/9 clearly indicates that the Workman was working with the Employer Company for the last nine and half years as a 'Supervisor-cum-Technician' since June, 1998 and he was entrusted with the responsibilities of receiving/stocking material and maintaining inventory, preparation and arrangement for packing, setting of machines, starting and setting coding m/cs, taking of furnished goods, storing and dispatch of finished goods-preparing and maintaining of record on each stage of work, training of workers on GMP and safety. So also the copies of the returns filed by the Employer Company from March, 2000 to February, 2008 in the prescribed Form No. 6-A of the Employees Provident Fund Scheme 1952 on record at Exb. W/8-Colly clearly indicates that the Employer had deposited from time to time annually the Provident Fund of their workmen including the Workman. The said oral as well as documentary evidence produced by the Workman on record has not been denied by the Employer by remaining absent and thus, remained unchallenged. Thus the oral as well as documentary evidence on record clearly indicates that the Workman was working with the Employer Company since June, 1998 till the date of his termination of his services w.e.f. 13-08-2008.

It is therefore held that the Workman was employed with the Employer Company as a 'Supervisor-cum-Technician' w.e.f. June, 1998 till 13-08-2008 continuously without any break in service.

9. *Issue No. 2:* It is the Workman who has raised the present Industrial Dispute by contending that the Employer Company had refused an employment to him w.e.f. 13-08-2008. Therefore, the burden of proving the aforesaid contention is on the Workman.

I have heard the arguments of the Ld. Rep. Shri P. Gaonkar appearing for the Workman.

10. The Ld. Rep. Shri P. Gaonkar during the course of his oral arguments submitted that in order to prove the existing Issue No. 2 the Workman in his oral evidence clearly stated that the Employer Company has not allowed to resume his duties w.e.f. 13-08-2008. He submitted that the Workman in addition to his oral evidence, produced on record his letter dated 15-08-2008 addressed to the Employer Company (Exhibit-W/3), letter of the Gomantak Mazdoor Sangh Union dated 18-08-2008

addressed to the Assistant Labour Commissioner, Ponda-Goa (Exb. W/4), Minutes of the conciliation proceedings held before the Assistant Labour Commissioner, Ponda on 16-12-2008 (Exb. W/5) and Report of Failure on conciliation proceedings (Exb. W/6). He submitted that aforesaid oral as well as documentary evidence on record clearly established that the Workman was refused employment by the Employer Company w.e.f. 13-08-08.

I have carefully perused the records of the present case. I have also considered the various legal submissions made by the Ld. Rep. Shri P. Gaonkar appearing for the Workman.

11. On carefully perusal of the letter of the Workman dated 15-08-2008 addressed to the Employer Company on record at Exb. W/3 indicates that the Workman was instructed to do the work of cleaning and sweeping on 13-08-2008. The said letter at Exb. W/3 further indicates that the Workman refused to perform the said work by stating that since his joining with the Employer Company, he was performing the work of skilled nature. The said letter at Exb. W/3 also indicates that the Employer refused the request of the Workman to assign him his normal skilled work. Besides the aforesaid documentary evidence, the Workman in his oral evidence stated that he was not allowed to resume the duties w.e.f. 13-08-2008 thereby refusing him employment and that on refusal of employment he made a demand for re-instatement vide his representation dated 13-08-2008, but the Employer refused to allow him to resume the duty and hence raised an Industrial Dispute before the Assistant Labour Commissioner, Ponda. The aforesaid oral as well as documentary evidence of the Workman on record has not been challenged or denied by the Employer Company by remaining absent. Thus the oral as well as documentary evidence of the Workman remained unchallenged. The aforesaid oral as well as documentary evidence on record clearly proves that the Workman has been refused employment by the Employer Company w.e.f. 13-08-2008.

It is therefore held that the Employer Company has refused employment of the Workman w.e.f. 13-08-2008.

12. *Issue No. 3:* It is the Workman who has raised the present Industrial Dispute pertaining to his alleged illegal termination of services by contending that it is in violation of Sec. 33 of the I. D. Act, 1947. Therefore, the burden to prove the said contention is on him.

Section 33 (1) the Industrial Disputes Act, 1947 prohibits the Employer to alter to the prejudice of the workmen concerned in such dispute the service conditions etc. to remain unchanged under certain circumstances during the pendency of the proceedings before the conciliation officer or a board or of any proceedings before a Labour Court or Tribunal or National Tribunal in respect of an Industrial Dispute.

13. Through the Workman in his oral evidence stated that at the time of refusal of his employment the matter of Charter of Demands was pending before the Conciliation Officer since 12-8-08, when the first meeting was fixed by Assistant Labour Commissioner and Conciliation Officer, Ponda-Goa. The Workman has, however failed to produce on record any cogent evidence in the form of document to substantiate his aforesaid statement. The Workman also failed to give any satisfactory justification for non-production of any documentary evidence in support of his statement that they have raised a Charter of Demand vide letter dated 20-7-08 and that the matter is pending before the Assistant Labour Commissioner and Conciliation Officer, Ponda-Goa. It is therefore held that the Workman failed to prove that the Employer Company has violated Sec. 33 of the Industrial Disputes Act, 1947.

14. It is the Workman who has raised an Industrial Dispute by contending that the action of the Employer Company in refusing employment to him w.e.f. 13-08-08 is illegal and unjustified. It is therefore incumbent upon the Workman to prove that the action of the Employer in terminating his services w.e.f. 13-08-08 is illegal and unjustified.

I have heard the arguments of the Ld. Rep. Shri P. Gaonkar appearing for the Workman.

15. The Ld. Rep. Shri P. Gaonkar, during the course of his oral arguments submitted that in order to prove the existing issue No. 4, the Workman in his oral evidence on record clearly stated that he was working with the Employer Company since June, 1998 till the date of refusal of employment to him w.e.f. 13-08-2008. He submitted that the experience certificate dated 31-12-2007 issued by the Employer Company at Exb. W/9 clearly shows that the nature of the duties performed by the Workman were skilled as well as technical in nature. He submitted that the letter of the Workman dated 15-08-2008 addressed to the Employer Company which is on record at Exb. W/3 clearly reveals that the Workman was instructed to do the work of cleaning and sweeping, on 13-08-2008 though he was a skilled

Workman, and when the Workman refused to do the work of cleaning and sweeping, he was refused the employment w.e.f. 13-08-2008. He submitted that the Workman in his oral evidence on record clearly stated that the Employer Company has neither issued any charge sheet nor conducted an enquiry against him before refusal of employment to him. He submitted that the said refusal of employment to him is illegal, unjustified and bad-in-law as it is in violation of principles of natural justice. He submitted that the Employer Company has also violated the provisions of Sec. 25-G, 25-H and 25-F of the I. D. Act, 1947.

I have carefully perused the records of the present case. I have also considered the various legal submissions made by the LD. Rep. Shri P. Gaonkar appearing for the Workman.

16. While discussing the issue No. 1 here in above I have already held that the Workman was employed with the Employer Company as a "Supervisor cum Technician" since June, 1998 till 13-08-2008 continuously without any break in service. It is the contention of the Workman that he has been refused the employment by the Employer Company without issuing him any show cause notice or charge sheet or without conducting any enquiry. The Workman in support of his contention, produced on record his letter dated 15-08-2008 addressed to the Employer Company at Exhibit-W/3 and letter of the Gomantak Mazdoor Sangh Union dated 18-08-2008 addressed to the Assistant Labour Commissioner, Ponda-Goa at Exb.-W/4 stating that he has been refused employment by the Employer Company w.e.f. 13-08-2008. In my opinion the aforesaid refusal of employment to the Workman by the Employer Company amounts to termination of services of the Workman. The aforesaid oral as well as documentary evidence on record clearly indicates that the Workman has been refused employment by the Employer Company w.e.f. 13-08-2008 on account of in subordination i.e. the Workman was instructed to do the work of cleaning and sweeping which he refused to perform by stating that he was performing the work of skilled nature since the joining of his services with the Employer Company and never did the work of cleaning and sweeping. It was therefore incumbent upon the Employer Company to issue a proper show cause notice/charge sheet to the Workman stating the full facts of the misconduct alleged to have been committed by the Workman and directed him to tender his explanation and in case of denial of the alleged misconduct by the Workman, hold an

Enquiry by appointing an Enquiry Officer. However the evidence on record indicates that the Employer Company refused the employment to the Workman w.e.f. 13-08-2008 without issuing any show cause notice, charge sheet or without conducting an enquiry in to the alleged misconduct. Thus the action of the Employer Company of refusal of employment to the Workman w.e.f. 13-08-2008 is in violation of well established principles of natural justice. The said refusal of employment of the Workman also casts a stigma on the Workman and the said refusal is of punitive in nature. Hence the action of the Employer Company in refusing the employment to the Workman w.e.f. 13-08-2008 is illegal, unjustified and bad in law.

17. It is the further contention of the Workman that the Employer Company failed to follow the provisions of Sec. 25-G, 25-H and 25-F of the I. D. Act, 1947. Sec. 25-F of the I. D. Act, 1947 deals with conditions precedent to retrenchment of Workmen. Sec. 25-G of the I. D. Act, 1947 provides the procedure for retrenchment and Sec. 25-H of the I. D. Act, 1947 deals with re-employment of the retrenched the Workman. Since, it is the specific case of the Workman that he was refused the employment by the Employer Company, the question of following the procedure prescribed for the retrenchment in the aforesaid sections of the I. D. Act, 1947 does not arise at all.

It is therefore held that the action of the Employer Company in refusing employment to the Workman is illegal and unjustified.

18. *Issue No. 5:* While discussing the Issue No. 1 hereinabove I have already held that the Workman was employed as a 'Supervisor-cum-Technician' with the Employer Company since June, 1998 till 13-08-08 continuously without any break in service. Though the Party I was working as a 'Supervisor-cum-Technician', the duties and the responsibilities entrusted to him as mentioned in the Experience Certificate dated 31-12-2007 (Exb. W/9) clearly indicates that the Party I was performing the duties predominantly of skilled as well as technical in nature and hence he is a "Workman" as defined u/s 2(s) of the I. D. Act, 1947. Similarly, while discussing the Issue No. 4, hereinabove I have held that the action of the Employer Company in refusing employment to the Workman w.e.f. 13-08-2008 is illegal and unjustified

as it is in violation of principles of natural justice. The evidence on record indicates that the Workman is gainfully unemployed since after his refusal of employment by the Employer Company. The Workman is therefore entitled for full back wages and continuity in services.

19. The present Order of Reference is issued by the Government of Goa pertaining to the changing of service condition of the Workman as well as refusal of employment to him. The Workman however in his statement of claim filed in the present proceedings at Exb. 3 set forth the grounds of his challenge pertains to the refusal of his employment by the Employer Company only. Hence, in the absence of any pleadings pertaining to the changing the service conditions of the Workman by the Employer Company, it is held that the action of Employer Company in changing the service conditions of the Workman is legal and justified.

In view of the above discussions and with regards to the facts and circumstances of the case, I proceeded ahead to adjudicate the reference as under:

ORDER

1. It is hereby held that the action of the Management of M/s. Pack-A-Well, Kundaim, Goa in refusing employment to its Workman, Shri Mahendra Naik, Supervisor w.e.f. 13-08-08 is illegal & unjustified.
2. It is further held that in the absence of any evidence on record the action of the Management of M/s. Pack-A-Well, Kundaim-Goa, in changing the service condition of Shri Mahendra Naik, 'Supervisor' w.e.f. 13-08-2008 is legal and justified.
3. The Employer M/s. Pack-A-Well is hereby directed to reinstate the Workman, Shri Mahendra Naik, Supervisor, in their services with full back wages and continuity in services with immediate effects.
4. No order as to costs.
5. Inform the Government accordingly.

Suresh N. Narulkar,
Presiding Officer,
Labour Court-II.

Notification

No. 28/1/2010-LAB

The following award passed by the Labour Court-II, at Panaji-Goa on 26-05-2010 in reference No. IT/92/07 is hereby published as required by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

B. S. Kudalkar, Under Secretary (Labour).

Porvorim, 28th July, 2010.

THE LABOUR COURT-II
GOVERNMENT OF GOA
AT PANAJI

(Before Shri Suresh N. Narulkar, Hon'ble
Presiding Officer)

Case No. Ref. IT/92/07

Shri Damodar Mangueshkar,
represented by
Cidade de Goa Hotel,
Employees Union,
Vainguinim Beach,
Dona Paula-Goa. Workman/Party I

V/s

1. M/s. Cidade de Goa,
Vainguinim Beach,
Dona Paula-Goa.
2. M/s. Fomento Resorts Pvt. Ltd.,
Vainguinim Beach,
Dona Paula-Goa. Employer/Party II

Party I/Workman represented by Shri P. Gaonkar.

Party II/Employer represented by Adv., Shri G. B. Kamat.

Panaji dated: 26-5-2010.

AWARD

In exercise of the powers conferred by Clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) the Government of Goa by order dated 23-01-2007 bearing No. 28/15/2006-LAB/75 referred the following dispute for adjudication to the Industrial Tribunal of Goa.

“(1) Whether the action of the management of M/s. Cidade de Goa, Unit of

M/s. Fomento Resorts & Hotels Limited, Dona Paula, Goa, in deducting a sum of Rs. 2,000/- per month from the earned wages of Shri Damodar Mangueshkar, Employee No. 1173, with effect from May, 2005, is legal and justified?

(2) If not, to what relief the Workman is entitled?”

2. On receipt of the reference, a case was registered under No. IT/92/07 and registered A/D notice was issued to the parties. In pursuance to the said notice, the parties put in their appearance. The Party I (for short 'Workman'), filed his statement of claim on 11-12-2007 at Exb.-3. The facts of the case in brief as pleaded by the Workman are that the Employer/Party II (for short "Employer") is a Hotel Industry. He stated that he was initially employed as Clerk by Hotel Cidade de Goa, a unit of Party II(2) w.e.f. 10-11-1984 and thereafter his services were confirmed vide letter dated 10-11-1985, since then he was working for the Employer's Hotel. He stated that since his joining he was doing the work of clerk though he was designated as Accounts Supervisor. He stated that the work was assigned to him daily by his superior and as per his instructions he was doing the work. He stated that he was not the sanctioning authority of any leave of any Workmen working in his Department. He stated that since the commencement of the hotel, he was continuously working in the hotel without any break in service. He stated that vide letter dated 25-04-2005, he was issued a show cause notice stating that a financial loss of Rs. 39,508/- was caused due to him. He stated that he had submitted his reply vide his reply dated 27-04-2005 to the aforesaid show cause notice issued to him by stating that he has carried out his work as per the guidelines and directions from the superiors. He stated that in his aforesaid reply dated 27-04-2005 he has given the details about the procedure followed by the Hotel and as per the instructions, the Management set the plan of billing. He stated that as per the said plan billing was done. He stated that inspite of his proper reply the Employer Company commenced illegal deductions from his wages w.e.f. May, 2005, as he is an Office Bearer of the Union. He stated that he made another representation through his Union vide Union's letter dated 27-07-2005 against the said illegal deduction. He stated that no reply was received from the Management about the illegal deductions. He stated that the Employer Company also failed to refund the said illegally deducted amount from

his earned wages, the Union has no option left but to raise the dispute before the appropriate authority on behalf of the Workman. He stated that the Union accordingly, raised a dispute of illegal deductions before the Labour Commissioner, Panaji vide his letter dated 08-08-2005.

3. He stated that the Employer Company failed to conduct a proper enquiry by giving him an opportunity to explain his side before deducting an amount from his earned wages thereby violated the principles of natural justice. He stated that he spoke to the guest, Mr. Kiran Gagree. He stated that the said Mr. Kiran Gagree has agreed to make the payment provided the Employer Company sent him officially, the pending unpaid bills if there is any shortfall in payment. He stated that he had informed, the aforesaid fact to Mr. Rahul Joshi, the Front Office Manager of the Employer's Hotel. He stated that he was informed by the said guests on the telephone that he had spoken to the Management that they have not submitted any bill. He stated that the short payment or non-collection of payment was due to the system faults as the same was not shown in the Computer system nor there were any written instructions to him to collect the same. He submitted that as he is an Office Bearer of the Union, the false charges were framed against him only to victimize him. He stated that though it is the responsibility of the night auditor to correct an error and bring to the notice of the concerned workman, however no action was initiated against any other person, but because of Union activities, he was singled out and illegal deduction were made from his earned wages. He stated that before the deductions, the Employer Company failed to follow the provisions of law and hence the deduction of Rs. 2,000/- per month from his earned wages for the month of May, 2005 is illegal, unjustified and bad in law. He submitted that he is entitled to refund the said amount illegally deducted from his earned wages. He therefore prayed that this Hon'ble Court be declared that the deductions made from his earned wages from the month of May, 2005 be declared as illegal, improper and unjustified and direct the Employer to refund the said amount illegally deducted from his earned wages alongwith an interest of 18% and damages.

4. The Employer filed written statement on 28-12-2007 at Exb-5. The Employer Company at the outset by way of preliminary objection stated that the Party I is not a "Workman" within the meaning of Section 2(s) of the Industrial Disputes Act, 1947 as he was employed mainly

in managerial and/or administrative and/or supervisory capacity, drawing wages exceeding 1,600/- per month and/or by nature of duties attached to him and/or by reason of the powers vested in him, his functions were of supervisory in nature. The Employer Company stated that the Party I was not doing any manual, skilled, unskilled, technical, operational or clerical work and as such the reference is illegal, bad in law, null and void and not maintainable. The Employer Company stated that there is/was no "Industrial Dispute" exists within the meaning of Section 2(k) of the I. D. Act, 1947 as on the date of making reference by the Government. The facts of the case in brief as pleaded by the Employer are that the Employer is a Company, incorporated under the Companies Act, 1956 on 13-10-1981 and owns a hotel establishment known as "Cidade de Goa" a Beach Resort situated at Vaguinim Beach, Dona Paula-Goa. The Employer Company stated that the said hotel establishment is having 210 well appointed air-conditioned rooms, restaurants, bars, club saude, banqueting facilities, shopping arcades, etc., which said properties and assets of the Company are maintained and looked in after by the Company's Department known as 'Estate'. The Employer Company stated that it employs large number of employees and consisting of various Departments, such as House-Keeping, Food Beverages, Accounts, Engineering, Front Office, Security, Stewarding and Personnel headed by competent managerial and supervisory personnel known as "Heads of Departments," etc. The Employer Company stated that the Workman was initially appointed as "Trainee Restaurant Cashier" in the F & B (General) Department of the Company. Thereafter he was confirmed in the said post of Restaurant Cashier on 10-11-1985. The Employer Company stated that the Party I was promoted as Front Office Assistant/Cashier in the Front Office Department w. e. f. 01-04-1991 under letter dated 01-04-1991. The Employer Company stated that again the Workman was appointed/promoted as a 'Front Office Supervisor' in Grade-VIII w.e.f. 01-10-2003 under letter dated 01-10-2003. The Employer Company stated that the said appointment/promotion was in a supervisory/ /administrative category/post and on a probationary basis. The Employer Company stated that the details of responsibilities/duties as a Front Office Supervisor were specified in the Annexure to the letter dated 01-10-2003. The Employer Company stated that the Workman was confirmed w.e.f. 01-10-2004 to the said supervisory/ /administrative post of 'Front Office Supervisor' under their letter dated 01-10-2004. The Employer

Company stated that the Workman was thereafter transferred and posted for work as 'Accounts Supervisor' in the General Stores Section of the Accounts Department w.e.f. 01-09-2005 under their letter dated 01-09-2005 and on a trainee for a period of six months which was extended for a further period of six months w.e.f. 01-03-2006 under letter dated 01-03-2006. The Employer Company stated that during the course of working as 'Front Office Supervisor' as above it was found that the Party I had caused a financial loss of Rs. 39,508/- to them. The Employer Company stated that the Party I was issued a show cause notice dated 25-04-2005 by which he was required to show cause as to why the aforesaid amount of Rs. 39,508/- should not be recovered by deduction from his monthly salary. The Employer Company stated that the said show cause notice was served upon the Party I on the same day i. e. 24-05-2005. The Employer Company stated that the Party I replied to the show cause Notice vide his reply dated 27-04-2005. The Employer Company stated that since the reply submitted by the Party I was found to be factually incorrect, they rejected the same which fact was informed to the Party I vide their letter dated 03-05-2005. The Employer Company stated that they also informed the Party I about their decision to recover the said sum of Rs. 39,508/- from his monthly salary commencing from May, 2005 @ Rs. 2,000/- per month till the recovery of the entire amount. The Employer Company stated that thereafter the services of the Party I were terminated vide their order dated 28-11-2006 w.e.f. 01-12-2006 and accordingly no further deductions were made. The Employer Company denied the overall case of the Party I as pleaded in the statement of claim filed in the present proceedings and prayed for rejection of the present reference by holding that the Workman is not entitled for any relief.

5. Thereafter, the Workman filed his re-joinder on 11-01-2008 at Exhibit-6. The Party I by way of his re-joinder denied each and every statement, averments and submissions made by the Employer Company vide their written statement filed in the present proceedings and reiterates and confirms the statements, averments and submissions made by him in his statement of claim. By way of re-joinder, the Party I stated that it is the settled law that mere designation of an employee is not a criteria to determine as to whether an employee is a Workman or not. He stated that neither he was having any supervisory powers nor he can sanction leave or to recommend the promotion, increment or to take any disciplinary action against any

Workman. He stated that because he is a "Workman", he was recognized as the Office bearer of the Union by the Employer and he was given the benefits of the settlement signed under the provisions of the I. D. Act, 1947 by the Employer.

6. Based on the pleadings filed by the respective parties, this Court has framed the following issues on 07-02-2008 at Exhibit-7:

1. *Whether the Party I proves that he is a "Workman" within the meaning of Section 2 (s) of the Industrial Disputes Act, 1947.*
2. *Whether the Party I proves that the short payment/non-collection was due to the system failure?*
3. *Whether the Party I proves that being office bearer the false charge of causing financial loss of Rs. 39,508/- to the Company was framed to victimize him?*
4. *Whether the Party I proves that the action of the Party II in deducting Rs. 2,000/- from his earned wages from May, 2005 is illegal and unjustified and bad in law?*
5. *Whether the Party II proves the Party I was primarily and substantially performing the duties of managerial, administrative and of supervisory nature?*
6. *Whether the Party II proves the Party I had caused financial loss of Rs. 39,508/- to the company?*
7. *Whether the Party II proves that the present order of reference is illegal, bad in law and null and void?*

7. My findings to the aforesaid issues are as under:

Issue No. 1 In the Negative.

Issue No. 2 Does not arise.

Issue No. 3 Does not arise.

Issue No. 4 Does not arise.

Issue No. 5 In the Negative.

Issue No. 6 Does not arise.

Issue No. 7 In the Affirmative.

REASONS

8. *Issue Nos.1 & 5* : It is the Party I who has raised the present Industrial Dispute pertaining to the alleged illegal deduction of a sum of Rs. 2,000/- p.m. from his earned wages by contending to be a Workman. The Employer Company contested the claim of the Party I by

filing their written statement by contending that the Party I is not a "Workman" as defined u/s 2(s) of the I. D. Act, 1947, but by virtue of duties attached to the post held by the Party I, was primarily and substantially performing the duties of a managerial and/or administrative and/or supervisory nature and that he was admittedly drawing a salary of Rs. 9,935/- p.m. besides other grounds of defence. This Hon'ble Court therefore framed the existing Issue No. 1 by putting the burden to prove the same on the Party I. Similarly this Hon'ble Court framed the existing Issue No. 5, thereby putting the burden on the Employer Company to prove the same. Infact, the Issue Nos. 1 and 5 are co-related to each other, hence the said issue Nos. 1 and 5 are decided simultaneously.

I have heard the arguments of the Ld. Shri P. Gaonkar for the Party I as well as the Ld. Adv., Shri G. B. Kamat for the Party II.

9. The Ld. Shri P. Gaonkar representing the Party I during the course of oral arguments submitted that in order to prove the issue No. 1, the Party I has examined himself and stated on oath that he was initially appointed as a Clerk by the Employer Company w.e.f. 10-11-1984 and his services were confirmed vide letter dated 10-11-1985. He further stated that it has been stated by the Party I on oath that since his joining he was doing the work of "Clerk" though he was designated as Accounts Supervisor and that the work was assigned to him daily by his Supervisor. He submitted that the Party I in his Affidavit in Evidence stated that he was not the sanctioning authority of any leave of any workmen working in his department. He further submitted that the Party I in support of his oral evidence produced on record documentary evidence such as his Confirmation Letter dated 10-11-1985 (Exb. W/1), Pay Slip for the month of June, 2005 till September, 2005 (Exb.W/8 Colly), letter of the Union dated 01-07-2005 (Exb.W/10), Memorandum of Settlement dated 21-05-2001 signed between the Employer Company and its Employees' Union (Exb. W/12), letter of the Union dated 01-07-2005 (Exb.W/11), a memorandum of settlement dated 23-12-2004 signed between the Employer Company and its Employees' Union (Exb. W/13). He submitted that the Employer's witness Smt. Zarine Lobo in her cross-examination admitted that the Memorandum of Settlement at Exb. W/13 is extended to the Supervisors and not to the Officers. She further admitted that, "It is true that the said supervisors to whom the benefits of the said Memorandum of Settlements at Exb. W/13 is

extended are "Workmen" within the meaning of Sec. 2(s) of the I. D. Act, 1947". The said Employer's Witness also admitted that the Party I was designated as 'Grade -IX' in the year 2001 and it is true that the 'Grade IX' covers the Workmen as defined under the I. D. Act.

10. On the contrary, the Ld. Adv., Shri G. B. Kamat during the course of his oral arguments submitted that the Party I has raised the present industrial dispute pertaining to his alleged illegal deduction from his earned wages by contending to be a Workman as defined u/s 2(s) of the I. D. Act, 1947. He submitted that the initial burden to prove the existing issue No. 1 is on the Party I i. e. whether the Party I proves that he is a "Workman" within the meaning of Section 2(s) of the I. D. Act, 1947? It was therefore incumbent upon the Party I to prove the said issue No.1 by producing cogent material evidence on record. He submitted that it is a well settled law that whether a person concerned is a Workman or not, has to be decided based on his primary and basic nature of duties which he was performing at the time of alleged illegal deduction of Rs. 2,000/- from his earned wages. He submitted that the Party I neither specifically pleaded nor stated in his Affidavit in Evidence filed in the present proceedings about his primary and basic nature of duties or any other duties. He submitted that the statement of the Party I that he was doing the work of clerical nature is not enough to constitute him a "Workman" as defined u/s 2(s) of the I. D. Act, 1947. He submitted that it is the Party I who has to prove his case independently by stating specifically his primary nature of duties performed by him that he is falling within the definition of the "Workman". He submitted that merely because the Party I was not performing the duties of managerial and/or administrative and/or supervisory in nature, it does not ipso facto means the Party I is a Workman with in the meaning of Section 2(s) of the I. D. Act, 1947 and relied upon various decisions of *Hon'ble Supreme Court of India* (1) in the case of *H. R. Adyanthaya v/s Sandoz (I) Ltd. reported in 1994 (69) FLR 593*, (2) In the case of *Management of M/s. Sonpate Co-operative Sugar Mills Ltd. v/s Ajit Singh reported in 2005 LAB IC 1315* and (3) in the case of *Shankar i Chakrawarti v/s Britannia Biscuits Co. Ltd. reported in 1979 SC 1652*. He submitted that there is nothing on record to show that the benefits of the said Memorandum of Settlement at Exb. 13 were given to the Party I. He further submitted that the aforesaid statement of the Employer's witness is not a pure question of fact but a mix

question of fact and law. He further submitted that whether the supervisors to whom the benefits of the said Memorandum of Settlement at Exb. W/13 are extended are Workmen within the meaning of Sec. 2(s) of the I. D. Act, 1947 is a matter of legal inference to be drawn by the Hon'ble Court on the basis of proved fact and cannot be decided on the basis of so called admission and relied upon a decision of Hon'ble High Court of Bombay in the case of *Somnath Tulshiram Galande v/s Presiding Officer, 2nd Labour Court, Pune and Anr. reported in 2008 (2) ALL M. R. 628*, a decision of Hon'ble High Court of Delhi in the case of *Bharat Kala Kendra v/s Labour Court, Delhi reported in 1980 (57) F. J.R. 242* and a decision of Hon'ble Apex Court in the case of *Banarsi Das v/s Kanshi Ram, reported in AIR 1963 S. C. 11658*, in the case of *Ram Bharose Sharma v/s Mahant Ram Swaroop and Ors. reported in 2001 (9) SCC page 471* & in the case of *Kalidas v/s State of Bombay reported in 1955 S.C. 62*.

I have carefully perused the entire records of the case including the synopsis of the written arguments filed by the respective parties. I have also carefully considered various oral as well as written submissions made by the respective parties.

11. Undisputedly, it is the Party I who has raised the present Industrial Dispute pertaining to the alleged illegal deduction of Rs. 2,000/- from his earned wages by claiming to be a "Workman" as defined u/s 2(s) of the I. D. Act, 1947. It is therefore necessary to examine as to whether at the relevant time the Party I is/was a "Workman" within the meaning of Section 2(s) of the I. D. Act, 1947.

Sec. 2(s) of the I. D. Act, 1947 defines the expression, "Workman" and it reads as under:

"Section 2(s), "Workman" means any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be expressed or implied and for the purposes of any proceedings under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with or a consequence of that dispute or dismissal, discharge or retrenchment has laid to that dispute, but does not include any such person.

- (1) who is subject to the AIR Force Act, 1950 (45 of 1950) or the Army Act, 1950 (46 of 1950) or the Navy Act, 1957 (62 of 1957) or;

- (2) who is employed in the police service or as an Officer or other employee of a prison or;
- (3) who is employed mainly in a managerial or administrative capacity;
- (4) who, being employed in a supervisory capacity draws wages exceeding Rs. 1,600/- per mensem or exercises either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature".

Therefore, in order to prove that the Party I is/was a "Workman" as defined u/s 2(s) of the I. D. Act, 1947, he has to prove that he was performing the duties of any of the following categories such as manual, unskilled, skilled, technical, operational, clerical or supervisory work.

12. The Ld. Adv., Shri G. B. Kamat during the course of oral arguments submitted that it is well settled law that whether a person is a 'Workman' or not as defined u/s 2(s) of the I. D. Act, 1947 has to be decided on the basis of the predominant nature of duties performed by concerned employee at the relevant time, and it cannot lay down any straight jacket formula and relied upon a decision of the Honble Supreme Court of India in the case of *H. R. Adyanthaya v/s Sandoz (I) Ltd. reported in 1994 (69) FLR 593* wherein it has been held that "a person claiming to be a "Workman" under the I. D. Act, 1947 must show that he was employed to do the work of any of the category which of manual, unskilled, skilled, technical, operational, clerical or supervisory and that is not enough that he is not covered by either of the four exceptions to the definition of the "Workman". The Ld. Adv., Shri G. B. Kamat further submitted that merely because an employee had not been performing any managerial, administrative or supervisory duties it does not ipso facto means concerned employee is a "Workman" and relied upon a decision of Hon ble Supreme Court of India in the case of *Management of M/s. Sonapat Co-operative Sugar Mills Ltd. v/s Ajit Singh reported in 2005 LAB IC 1315* wherein it has been held that "the question as to whether the Employee has been performing a clerical work or not is required to be determined upon arriving at the findings as regards the dominant nature of duty with a view to give effect to the expression to do "any manual, unskilled, skilled, technical, operational, clerical or supervisory work", the job of the concerned employee must fall within one or other category thereof. It would therefore not be

correct to contend that merely because the employee had not been performing any managerial or supervisory duties, ipso facto, he would be a Workman".

Thus, it is the well settled principles of law that an Employee claiming to be a "Workman" must show that he was employed to do the work of any of the category of manual, unskilled, skilled, technical, operational, clerical or supervisory and that it is not enough that he was not doing any managerial, administrative or supervisory work and/or not having any managerial, administrative or supervisory powers.

13. The Ld. Adv., G. B. Kamat further submitted that it is the case of the Party I as pleaded in his statement of claim that since the date of his joining he was doing the work of Clerk, though he was designated as "Accounts Supervisor" and that he was not the sanctioning authority of any leave of any of the workmen working in his department or any other department. He submitted that the Party I however failed to plead and subsequently state on oath in the Affidavit-in-Evidence filed by him in the present proceedings the predominant and basic natures of his duties while working as a 'Accounts Supervisor' at the relevant time. He further submitted that the Party I having failed to plead and subsequently state on oath the predominant and basic nature of his duties while working as a Accounts Supervisor, the Party I failed to prove that he is/was a 'Workman' within the meaning of Section of 2 (s) of the I. D. Act, 1947 and relied upon a of *Hon'ble Supreme Court of India in the case of Shankar Chakrawarti v/s Britannia Biscuits Co. Ltd. reported in 1979 S.C. 1652* wherein it has been held that it is well settled principles of law that the allegation which was not pleaded and even if the evidence is adduced in that regards cannot be examined because the other side has no notice of it and if such evidence is entertained it would tantamount to granting unfair advantage to the Party who had not pleaded his case properly.

I have carefully perused the aforesaid decision of the Honble Supreme Court of India and I am of the opinion that the principles laid down to the aforesaid decision is not applicable to the present case.

14. In the present case, the evidence on record indicates that the Party I was admittedly working and designated as 'Front Office Supervisor' at the relevant time. The evidence on record further indicates that though the Employer Company denied that the Party I is not a 'Workman' as

defined u/s 2(s) of the I. D. Act, 1947, the Party I failed to plead and also state on oath the primary and basic nature of his duties which he was performing as a 'Front Office Supervisor' at the relevant time. The evidence on record however indicates that the Party I however pleaded that since his joining he was doing the work of Clerk though he was designated as "Accounts Supervisor" and that he was not sanctioning Authority of any leave of any of the workmen working in his department. It is therefore held that the Party I, having failed to disclose the primary and basic nature of duties performed by him as a 'Front Office Supervisor' at the relevant time, the Party I also failed to establish that he falls in any of the category as stated in the definition of the "Workman" i.e. unskilled, skilled, technical, operational, clerical or supervisory work.

15. Party I however, in his re-joinder filed in the present proceedings at Exb. 6 submitted that because he is a "Workman", he was recognized as an office bearer of the Union by the Employer and he was given the benefits of the settlement signed under the provisions of the I. D. Act, 1947. The Party in support of his aforesaid contention produced on record a letter of the Union dated 01-07-2005 addressed to the Employer at Exb. W/10 through the cross examination of the Employer's witness Smt. Zarine Lobo. The said letter of the Union at Exb. W/10 indicates that it has informed the Employer Company about the newly elected Office bearers of their Union in the General Body Meeting held on 07-06-2005. The said letter of the Union also indicates that the Party I was elected as a 'Treasurer' of the said Union. The Party I however failed to produce on record any material evidence either oral or documentary to prove that he has been recognized as an Office Bearer of the Union by the Employer by communicating in writing to them as required under Rule 61(2) of the I. D. (Central) Rules, 1957. The term 'Workmen' has been defined u/s 2(g) of the Trade Union's Act, 1926 and it means "All persons employed in trade or industry whether or not in the employment of the Employer with whom the trade dispute arises". Thus, the Workmen under the Trade Union's Act, 1926 means any person whether or not employed with the concerned Employer. In view of above, the contention of the Party I that because he is a "Workman" he was recognized as an Office Bearer of the Union by the Employer is without any merits and hence cannot be accepted.

16. Party I has also produced on record Memorandum of Settlement dated 21-05-2001 signed between the Employer Company and its

Employees Union u/s 12(3) of the I. D. Act, 1947 (Exb. W/12) and Memorandum of Settlement dated 23-12-2004 arrived u/s 18(1) read with Section 2 (p) of the I. D. Act, 1947 between the Employer Company and its Employees Union (Exb. W/13). Among the said Memorandum of Settlements, the memorandum of settlement at Exb. W/13 was in force at the relevant time. On carefully perusal of the said Memorandum of Settlement at Exb. W/13 it indicates that the benefits of the said Memorandum of Settlement were made applicable to all the confirmed Workmen in Grade I-IX only, but it does not indicate the designated posts to whom the Memorandum of Settlement were made applicable. The Party I also failed to produce on record any material evidence to prove that the benefits of the said Memorandum of Settlement in force at Exb. W/13 was given to him. Hence, the plea of the Party I that because he is a Workman, he was given the benefits of Memorandum of Settlement signed between the Employer Company and its Employee's Union, is without any merits.

17. The Ld. Rep. Shri P. Gaonkar appearing for the Workman during the course of arguments submitted that the Management Witness, Mrs. Zarine Lobo in her cross examination admitted that "it is true that the said supervisors to whom the benefits of the said Memorandum of Settlements at Exb. W/13 are extended are Workman within the meaning of Sec. 2(s) of the I. D. Act. She also admitted that at the time of the termination of services of the Party I he was designated at Grade IX and it is true that the Grade IX covers the Workman as defined under the Industrial Disputes Act and in view of the above admission by the Employer's Witness the Party I is a "Workman" as defined u/s 2(s) of the I. D. Act, 1947. The Ld. Adv., Shri G. B. Kamat representing the Employer Company, however denied the aforesaid contention and submitted that there is nothing on record to show that the benefits of the said Memorandum of Settlement at Exb. W/13 were given to the Party I. He further submitted that the aforesaid statement of the Employers Witness is not a pure question of fact, but a mix question of fact and law. He further submitted that whether the supervisors to whom the benefits of the said Memorandum of Settlement at Exb. W/13 are extended are Workmen within the meaning of Sec. 2(s) of the I. D. Act, 1947 is a matter of legal inference to be drawn by the Hon'ble Court on the basis of proved fact and cannot be decided on the basis of so called admission and relied upon a decision of Hon'ble High Court of Bombay in the

case of *Somnath Tulshiram Galande v/s Presiding Officer, 2nd Labour Court, Pune and Anr. reported in 2008 (2) ALL M. R. 628*, a decision of Hon'ble High Court of Delhi in the case of *Bharat Kala Kendra P. Ltd. v/s Labour Court, Delhi reported in 1980 (57) F. J. R. 242* and a decision of Hon'ble Apex Court in the case of *Banarsi Das v/s Kanshi Ram, reported in AIR 1963 S. C. 1165*, in the case of *Ram Bharose Sharma v/s Mahant Ram Swaroop and Ors. reported in 2001 (9) SCC Page 471* and in the case of *Kalidas Dhanjibhai v/s State of Bombay reported in AIR 1955 S.C. 62*.

I have carefully perused the aforesaid decisions relied upon by the Ld. Adv., Shri G. B. Kamat appearing for the Employer Company.

18. In the case of *Somnath Tulshiram Galande v/s Presiding Officer, 2nd Labour Court, Pune and Anr. reported in 2008 (2) ALL M. R. 628*, it has been held by the Honble High Court of Bombay, that "it is a settled principle of law that the onus lies upon the Workman to prove that he satisfies the essential ingredients of being a Workman and, therefore, to raise an Industrial Dispute. This is a mixed question of facts and law and unless the findings arrived at by the Labour Court was patently perverse or contrary to law, this Court could hardly disturb the findings of facts in a letters patent appeal."

19. In the case of *Bharat Kala Kendra P. Ltd. v/s Labour Court, Delhi reported in 1980 (57) F. J. R. 242*, it has been held by the Honble High Court of Delhi that, "the question whether an employee is a "Workman" as defined in Sec 2(s) of the I. D. Act, 1947 or not, is a pure issue of fact. It is a mix question of fact and law. This is jurisdictional issue to be decided by the Industrial Tribunal or Labour Court before it can assume jurisdiction to adjudicate upon an Industrial Dispute as its very jurisdiction would depend upon a correct findings as to whether the employee is a "Workman" or not. In arriving at its conclusion the Tribunal or Labour Court has to first address itself to the various duties assigned to the employee and then draw a conclusion of law as to whether in the light of the duties assigned to him, the employee would be a "Workman".

20. In the case of *Kalidas Dhanjibhai v/s The State of Bombay reported in AIR 1955, S. C. 62*. It has been held by the Hon'ble Supreme Court of India that, "When the facts are fully set out and admitted, a Party's opinion about the legal effect of those facts is of no consequence in construing the section. No estoppel arises by reason of an admission of the Party as to such effect."

21. In the case of *Ram Bharose Sharma v/s Mahant Ram Swaroop and Ors. reported in 2001 (9) SCC Page 471*, it has been held by the Hon'ble Supreme Court of India that "whether a grant is a personal grant, a grant is an institution or a grant in trust for the benefits of other is primarily a mix question of facts or law and has to be determined on the facts of each case. There can be no doubt that a person cannot be permitted to approbate and reprobate. However, only an admission of a fact binds the maker, not an admission of question of law."

In the case of *Banarsi Das v/s Kanshi Ram, reported in AIR 1963 S. C. 1165*, it has been held by the Hon'ble Supreme Court of India that, "An admission so far as the facts are concerned would bind the maker of the admission, but not in so far as it relates to a question of law".

In view of law laid down by the Hon'ble Supreme Court of India as well as the Hon'ble High Court of Delhi in its aforesaid cases it is settled principles of law that an admission so far as the facts are concerned would bind the maker of the admission, but not in so far as it relates to a question of law.

23. In the present case, in my opinion the aforesaid statements made by the Employers witness, Mrs. Zarine Lobo does not amounts to an admission as to the fact that the Party I is a "Workman" as defined u/s 2(s) of the I. D. Act, 1947, but a mix question of fact and law. Whether an Employee is a "Workman" or not has to be decided after coming to the conclusion the various duties assigned to the employees and than to draw a conclusion of law as to whether in the light of the duties assigned to him the employee would be a "Workman" or not. Hence, the plea of the Party I that the Employers witness clearly admitted that the supervisors to whom the benefits of the said Memorandum of Settlement at Exb. W/13 is extended, are "Workman" within the meaning of Sec. 2(s) of the I. D. Act, 1947 and that the Grade IX covers the "Workman" as defined under Sec. 2(s) of the I. D. Act, 1947 and hence he is a "Workman" as defined under Sec. 2(s) of the I. D. Act, 1947 is without any merits and hence not acceptable.

It is therefore held that the Party I failed to prove that he is a "Workman" as defined u/s 2(s) of the I. D. Act, 1947. Hence it is held that he is not a "Workman" as defined u/s 2(s) of the I. D. Act, 1947.

24. Similarly, though the Employer Company pleaded and also stated on oath that the Party I by virtue of duties attached to the post held by the Party I, he was primarily and substantially performing the duties of a managerial and/or administrative and/or supervisory nature and that he was admittedly drawing a salary of Rs. 9,935/- p. m. The Employer Company however, failed to specifically plead and also state on oath, the detailed primary and basic nature of duties of a managerial and/or administrative and/or supervisory in nature which the Party I alleged to have been performed at the relevant time. Hence, it is held that the Employer Company failed to prove that the Party I was primarily and substantially performing the duties of managerial, administrative and supervisory in nature.

25. *Issue Nos. 2, 3, 4 & 6*: It is the Party I who has raised the present industrial dispute pertaining to the alleged illegal deduction of a sum of Rs. 2,000/- per month from his earned wages w.e.f. May, 2005 by contending that it is illegal, unjustified and bad in law and that he being the office bearer, a false charge of causing loss of Rs. 39,508/- to the Company was framed to victimize him. The Party I also contended that the said short payment/non-collection was on account of system failure. The Employer Company denied the aforesaid contention of the Party I. It is therefore incumbent upon him to prove the aforesaid issues by producing cogent evidence.

I have heard the arguments of the Ld. Rep. Shri P. Gaonkar for the Party I as well as the Ld. Adv., Shri G. B. Kamat for Party II.

26. The Ld. Rep. Shri P. Gaonkar during the course of his oral arguments submitted that the Party I is an office bearer of the Cidade de Goa Hotel Employees Union, which Union was affiliated to Bharatiya Mazdoor Sangh. He submitted that the Party I was issued show cause notice alleging that the said short payment/non-collection was on account of system failure and that presentation of bill of Mr. Sven Kretschmer as a part of their threat to harass and victimize the Party I. He submitted that the Party I has denied the charges levelled against him vide his reply dated 27-04-2005. He further submitted that the Employer Company without conducting any enquiry started deducting Rs. 2,000/- per month from his earned wages w.e.f. May, 2005. He submitted that besides the Party I, the Employer Company has not issued any show cause notice or taken action against any Workman including the night Auditors who have verified the said bills. He submitted that the

aforesaid action on the part of the Employer Company clearly proves that it is illegal, unjustified and bad in law as it is in violation of the well established principles of natural justice. He submitted that the aforesaid act on the part of the Employer Company also amounts to victimize the Party I as a part of harassment by framing a false charge of financial loss of Rs. 39,508/-.

27. On the contrary, the *Ld. Adv.*, Shri G. B. Kamat submitted that in order to claim any relief from this Hon'ble Court, the Party I has to prove first that he is a "Workman" as defined u/s 2(s) of the I. D. Act, 1947. He submitted that the Party I, having failed to prove that he is a "Workman" as defined u/s 2(s) of the I. D. Act, 1947, he is not entitled for any relief. He submitted that admittedly there was short payment/non-collection of payment of Rs. 39,508/- from the guest Mr. Sven Kretshmer to Mr. Andreas list in respect of room charges for the period from 25-01-2005 to 27-01-2005 and balance loss of Rs. 21,868/- was caused due to short collection in respect of guest Mrs. Kiran Gajree during the period from 26-02-2005 to 05-03-2005. He submitted that for the said reason, the Party I was issued a show cause notice dated 25-04-2005 at Exb. E/1 by which the Party I was required to show cause as to why the aforesaid amount of Rs. 39,308/- should not be recovered by deduction from his monthly salary. He submitted that the Party I vide his letter dated 09-03-2005 at Exb. E/2 addressed to the Front Office Manager for inconvenience caused due to short collection of Rs. 21,780/- and further assured not to repeat the same. He submitted that vide his aforesaid letter at Exb. E/2, the Party I has clearly admitted his guilt. He submitted that the Party I himself admitted in para 9 of the cross examination that during the course of his working as 'Front Office Cashier' for around 13 years, it was the only incident of the alleged system failure. He therefore submitted that the Party I failed to prove that the said deduction of Rs. 2,000/- from his earned wages from May, 2005 was on account of system failure and that it is illegal, unjustified and bad in law.

I have carefully perused the entire records of the case including the synopsis of the written arguments filed by the respective parties. I have also carefully considered various oral as well as written submissions made by the respective parties.

28. While discussing the Issue No.1 hereinabove, I have already come to the conclusion & held that the Party I is not a "Workman" within the meaning

of Sec. 2(s) of the I. D. Act, 1947. The Party I, having failed to prove that he is a "Workman" within the meaning of Section 2(s) of the I. D. Act, 1947, lost the jurisdiction of this Court to claim any relief. Hence, the question of deciding the present issue Nos. 2, 3, 4 & 6 does not arise at all.

29. *Issue No.7:* It is the Employer Company who contended that the present reference issued by the Government of Goa is illegal, bad in law, null and void and not maintainable as the Party I is not a "Workman" within the meaning of Sec. 2(s) of the I. D. Act, 1947 and that he was employed in the managerial and/or administrative and/or supervisory capacity drawing wages exceeding Rs. 1,600/- per month and/or by virtue of duties attached to him and/or by reasons of the powers vested in him, his functions were supervisory in nature. The aforesaid contention of the Employer Company has been denied by the Party I. It is therefore incumbent upon the Employer Company to prove their aforesaid contention by leading material evidence.

30. While discussing the Issue Nos.1 and 5 hereinabove, I have already come to the conclusion and held that the Party I is not a "Workman" within the meaning of Sec. 2(s) of the I. D. Act, 1947. It is well settled principles of law that the Industrial Tribunal as well as the Labour Court has got jurisdiction to adjudicate the matter only pertaining to the workmen category and not to the non-workmen category. It was therefore incumbent upon the Party I to prove that he is the "Workman" as defined u/s 2(s) of the I. D. Act, 1947 and consequently the dispute raised by him is an "Industrial Dispute" as defined u/s 2(k) of the I. D. Act, 1947 and hence this Court has jurisdiction to decide the present reference.

31. The term "Industrial Dispute" has been defined u/s 2(k) of the I. D. Act, 1947 and it means "Any dispute or difference between Employers and Employers, or between Employers and Workmen, or between Workmen and Workmen, which is connected with the employment or non-employment or the terms of employment or with the conditions of the labour of any person." In the present case, the Party I, having failed to prove that he is a "Workman" as defined u/s 2(s) of the I. D. Act, 1947, also failed to prove that the dispute raised by him is between the Employer and the Workman and hence consequently failed to establish the said dispute is an "Industrial Dispute" as defined u/s 2(k) of the I. D. Act, 1947 and hence this Court has jurisdiction to decide the present reference. Hence it is held that

the present Order of Reference issued by the Government of Goa is bad in law and not maintainable.

In view of the above discussion and with regards to the facts and circumstances of the case, I proceed to pass the following Order:

ORDER

1. It is held that the Party I, Shri Damodar Mangueshkar is not a "Workman" within the meaning of Sec. 2(s) of the I. D. Act, 1947.
2. It is further held that the dispute as to "Whether the action of the Management of M/s. Cidade de Goa, Unit of M/s. Fomento Resorts & Hotels Limited, Dona Paula, Goa, in deducting a sum of Rs. 2,000/- per month from the earned wages of Shri Damodar Mangueshkar, Employee No. 1173, w.e.f. May, 2005, is legal and justified?" does not arise as not maintainable.
3. It is held that the Party I, Shri Damodar Mangueshkar is not entitled to any relief.
4. No order as to cost.
5. Inform the Government accordingly.

Sd/-
(Suresh N. Narulkar),
Presiding Officer,
Labour Court-II.

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Department of Law and Judiciary

Law (Establishment) Division

ORDER

No. 8/34/2005-LD(Estt)Part/1245

- Read: i) Order No. 8/34/2005-LD(Estt.)Part/1471 dated 28-11-2007.
- ii) Order No. 8/34/2005-LD(Estt.)Part/267 dated 19-02-2008.

On recommendation of the Goa Public Service Commission vide their letter No. COM/II/11/58(3)/2004/1727 dated 03-11-2009 and letter No. COM/II/11/58(3)/2004/951 dated 27-05-2010, Ex post facto approval of the Government is accorded to extend the ad hoc promotion of Smt. Dominica T. F. e Souza, Civil Registrar-cum-Sub Registrar for a period as shown below or till the post is filled on regular basis.

20-02-2008 to 19-08-2008.
20-08-2008 to 19-02-2009.

20-02-2009 to 19-08-2009.
20-08-2009 to 19-02-2010.
20-02-2010 to 19-08-2010.

By order and in the name of the Governor of Goa.

N. P. Singnapurker, Under Secretary, Law (Estt.)
Porvorim, 4th August, 2010.

Order

No. 8/34/2005-LD(Estt)Part/1240

- Read: 1) Government Order No. 5/4/2001/LD-Estt dated 09-12-2004 and 13-01-2005.
- 2) Government Order No. 5/4/2001/LD-Estt (part) dated 05-07-2005 and 07-07-2005.
- 3) Government Order No. 5/4/2001/LD-Estt (part) dated 13-03-2006.
- 4) Government Order No. 5/4/2001/LD-Estt (part) dated 28-06-2006.
- 5) Government Order No. 5/4/2001/LD-Estt (part) dated 08-03-2007.
- 6) Government Order No. 5/4/2001/LD-Estt (part) 17-10-2007.

On recommendation of the Goa Public Service Commission vide their letter No. COM/II/11/58(3)/2004/1726 dated 03-11-2009 and letter No. COM/II/11/58(3)/2004/951 dated 27-05-2010, Ex-post facto approval of the Government is accorded to extend the ad hoc promotion of Shri Pondorinath S. S. Borco and Shri Vithal G. Salkar both District Registrars for a period as shown below or till the post is filled on regular basis.

1. Shri Pondorinath S. S. Borco, District Registrar

08-12-2007 to 08-06-2008.
09-06-2008 to 08-12-2008
09-12-2008 to 08-06-2009.
09-06-2009 to 08-12-2009.
Grant of further extension
09-12-2009 to 08-06-2010.

1. Shri Vithal G. Salkar, District Registrar

12-01-2008 to 11-07-2008.
12-07-2008 to 11-01-2009.
12-01-2009 to 11-07-2009.
12-07-2009 to 11-01-2010.
Grant of further extension
12-01-2010 to 11-07-2010.

By order and in the name of the Governor of Goa.

N. P. Singnapurker, Under Secretary, Law (Estt.)
Porvorim, 4th August, 2010.

Notification

No. 9-18-2004-LD(Estt.)/Part-II(XII)1241

In exercise of the powers conferred by Section 3 of the Notaries Act, 1952 (Central Act 53 of 1952) read with Rule 8 of the Notaries Rules, 1956, the Government of Goa hereby appoints Shri Krishna Narayan Naik, Advocate, Pernem-Goa, as a Notary for a period of five years with effect from 4th August, 2010 for the area of Pernem taluka.

By order and in the name of the Governor of Goa.

N. P. Singnapurker, Under Secretary, Law (Estt.)
Porvorim, 4th August, 2010.

**Department of Mines**

Directorate of Mines & Geology

Order

No. 1/72/ADM/2007/Mines/1453

Read: Order No. 01/01/2006-Mines/778 dated 05-07-2006.

In partial modification of order read at above, and in pursuance of Section 5 of the Right to Information Act, 2005 (Central Act No. 22 of 2005) the following Officers of this Directorate are designated as shown against their name:

Sr. No.	Name and designation of Officer	Designation
1.	Shri Hector C.M.C. Fernandes, Senior Technical Assistant	State Public Information Officer.
2.	Shri Gil Peres da Costa, Assistant Geologist	State Assistant Public Information Officer.

The Director of Mines & Geology will be the first Appellate Authority under this Act against the decision of the State Information Officer/State Assistant Public Information Officer as far as the Directorate of Mines & Geology is concerned.

The order referred to above stands modified to this effect.

Arvind D. Loliyekar, Director of Mines & Geology.
Panaji, 5th August, 2010.

Department of Panchayati Raj and Community Development

Directorate of Panchayats

—

Notice of Election and Public Notice

No. 19/35/DP/BYE-ELN/PF/08/3908

Form 1

[See Rule 10(1)]

Notice is hereby given that:

An election will be held to elect the member of the below mentioned Village Panchayat on 29th August, 2010.

Sr. No.	Name of Village Panchayat	Ward No.	Reserved for OBC/ST/Women
1	2	3	4

I. Bicholim

1. V. P Karapur-Sarvan, XI Bicholim

II. Bardez

1. V. P Verla-Canca, III Bardez OBC
2. V. P Oxel, IV Bardez OBC
3. V. P Revora, VII Bardez OBC

III. Ponda

1. V. P Veling-Priol, III Ponda ST
2. V. P Tivrem-Orgao, II Ponda OBC

IV. Tiswadi

1. V. P St. Estevam, I Tiswadi OBC Women

V. Satari

1. V. P. Querim, III Satari
2. V. P. Sanvordem, IV Satari

VI. Salcete

1. V. P. Assolna, II Salcete OBC
2. V. P. Nuvem, IV Salcete
3. V. P. Curtorim, II Salcete Women
4. V. P. Chinchinim-, II -Deussua, Salcete

Nominations may be delivered by a candidate to the Returning Officer in his office between

such hours as to be fixed by the State Election Commission.

By order and in the name of the Governor of Goa.

V. K. Jha, Secretary (Panchayats).

Panaji, 3rd August, 2010.

◆◆◆
Department of Public Health

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Order

No. 13/26/2002-I/PHD

On the recommendation of the Goa Public Service Commission as conveyed vide their letter No. COM/II/11/56(2)/91/190 dated 20-07-2010, Government is pleased to promote Shri Chandrakant Kambli, Chemist (Food) to the post of Junior Scientific Officer (Food) in Directorate of Food and Drugs Administration, Panaji-Goa on regular basis in the pay scale of PB—2 Rs. 9,300-34,800+Grade Pay of Rs. 4,600/- and other allowances as admissible under the rules, with immediate effect.

Shri Chandrakant Kambli shall be on probation for a period of two years.

The promotion is made against the vacancy occurred due to retirement of Shri Mohan Naik on superannuation w.e.f. 01-04-2009.

By order and in the name of the Governor of Goa.

Paula Fernandes, Under Secretary (Health-II).

Porvorim, 30th July, 2010.

—————
Order

No. 4/14/2003-II/PHD/Vol. XXII

On the recommendation of the Goa Public Service Commission conveyed vide their letter No. COM/II/12/30(3)/2010/169 dated 30-06-2010, the Government is pleased to declare Dr. Xavier George Kocherry, Assistant Professor, Department of Neurosurgery, Goa Medical College to have completed satisfactorily his probation period of two years from 29-09-2006 to 28-09-2008 and also to confirm him in the said post of Assistant Professor with immediate effect:

By order and in the name of the Governor of Goa.

Derrick Pereira Neto, Under Secretary (Health).

Porvorim, 2nd August, 2010.

Order

No. 4/14/2003-II/PHD/Vol. XVI

On the recommendation of the Goa Public Service Commission conveyed vide their letter No. COM/II/12/30(1)/2010/179 dated 13-07-2010, the Government is pleased to declare satisfactorily completion of probation period as well as Confirmation of the following officers in the Department of Pathology in Goa Medical College in the posts shown against their names with immediate effect:

Sr. No.	Name of officer	Date of probation period completed	Post to which probation period completed and confirmed
1.	Dr. (Mrs.) Sangeeta Amonkar	08-08-2002 to 07-08-2004	Lecturer
2.	Dr. Domnic Lobo	26-03-2004 to 25-03-2006	Lecturer

By order and in the name of the Governor of Goa.

Derrick Pereira Neto, Under Secretary (Health).

Porvorim, 2nd August, 2010.

◆◆◆
Department of Public Works

Office of the Principal Chief Engineer

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Order

No. 64/1/2010/PCE-PWD-ADM(II)/208

Government is pleased to order the Executive Engineer, Works Division IV (E/M), Tonca-Caranzalem, Goa of this Department to assist the Sports Authority of Goa for the work of "Upgradation, renovation and new construction of Pandit Jawaharlal Nehru Stadium, Fatorda, Margao-Goa" to check, scrutinize, sign the schedule of work for the purpose of issuing tender papers, recommending the technically sound and financially competitive bid for acceptance, certifying the R. A. Bills and Final Bill of the work, certifying the successfully completion of the work in the end etc., as and when required by the Sports Authority of Goa till the completion of the Project in addition to his own duties, until further orders.

No extra salary shall be paid to the above Engineer for the additional works entrusted to him.

By order and in the name of the Governor of Goa.

J. J. S. Rego, Principal Chief Engineer, PWD & ex officio Addl. Secretary.

Panaji, 6th August, 2010.

◆◆◆
Department of Revenue

—
Order

No. 23/1/2008-RD

Whereas, the Government of Goa, vide Notification No. 23/1/2008-RD dated 22-07-2008, issued under sub-section (1) of Section 4 of Land Acquisition Act, 1894 (Act 1 of 1894) (hereinafter referred to as the "said Act"), and published in the Official Gazette, Series II No. 18, dated 31-07-2008 on pages 480 & 481, notified that the land specified in the Schedule thereof (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Land Acquisition of road at Shree Suryanarayan Temple in V. P. Borim in Shiroda Constituency (hereinafter referred to as the "said public purpose");

And whereas, the Government of Goa considered the report made by the Collector under sub-section (2) of Section 5A of the said Act on being satisfied that the said land is needed for the said public purpose, vide Notification No. 23/1/2008-RD dated 13-10-2009, issued under Section 6 of the said Act, and published in the Official Gazette, Series II No. 30, dated 22-10-2009, on page 806. Subsequently Corrigendum No. 23/1/2008-RD dated 11-01-2010 published in the Official Gazette, Series II No. 43, page 1140 dated 21-01-2010 declared that the said land is required for the said public purpose.

Now, therefore, in exercise of the powers conferred by Section 7 of the Land Acquisition Act, 1894 (Act 1 of 1894), the Government of Goa hereby directs the Collector, North Goa District, Panaji-Goa to take the order for acquisition of the said land.

By order and in the name of the Governor of Goa.

Pandharinath N. Naik, Under Secretary (Rev-I).

Porvorim, 5th August, 2010.

Notification

No. 23/23/2010-RD

Whereas it appears to the Government of Goa (hereinafter referred to as "the Government") that the land specified in the Schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose, viz. Land Acquisition for Const. of road of Langarbag in V. P. Torsem in Pernem Taluka.

Now, therefore, the Government hereby notifies under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as "the said Act") that said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contract for the disposal of the said land by sale, lease, mortgage, assignment, exchange or otherwise or any outlay commenced or improvements made thereon without the sanction of the Collector appointed under paragraph 4 below, after the date of the publication of this notification, will under clause (seventh) of Section 24 of the said Act be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette and in two daily newspapers and public notice thereof shall be given in due course. If the acquisition is abandoned wholly or in part, the fact will also be notified in the same manner.

4. The Government further appoints under clause (c) of Section 3 of the said Act, the Dy. Collector/S.D.O., Pernem-Goa to perform the functions of a Collector, under the said Act in respect of the said land.

5. The Government also authorizes under sub-section (2) of Section 4 of the said Act, the following Officers to do the acts, specified therein in respect of the said land.

1. The Collector, North Goa District, Panaji-Goa.
2. The Dy. Collector/S.D.O., Pernem-Goa.
3. The Executive Engineer, W. D. XIII (Roads), P. W. D., Mapusa-Goa.

4. The Director of Settlement and Land Records,
Panaji-Goa.

6. A rough plan of the said land is available for inspection in the Office of the Dy. Collector/S.D.O., Pernem-Goa for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Taluka: Pernem

Village: Torshem

Survey No./ Sub-Div. No.	Names of the persons believed to be interested	Area in sq. mts.
1	2	3
72/0 O:	Purushottam Ramnath Keni.	655
73/0 O:	Purushottam Ramnath Keni.	165
74/0 O:	Purushottam Ramnath Keni.	250
84/0 O:	Purushottam Ramnath Keni.	10
95/0 O:	Purushottam Ramnath Keni.	592
	Education Department, Panaji, Government of Goa 1404 sq. mts.	
104/0 O:	1. Purushottam Ramnath Keni. 2. Exe. Eng., D. XII (PHE), PWD, Porvorim, 228 sq. mts.	445
115/0 O:	1. Purushottam Ramnath Keni. 2. Exe. Eng., D. XVII (PHE), PWD, Porvorim, 965 sq. mts.	870
116/0 O:	1. Purushottam Ramnath Keni. 2. Exe. Eng., D. XVII (PHE), PWD, Porvorim, 110 sq. mts.	1038
OR:	1. Shantaram Ganesh Toraskar. 2. Nhanu Raghunath Toraskar. 3. Kamalabai Vithal Shirodkar & Dattaram Shirodkar. 4. Pandharinath Narayan Shirodkar. 5. Sakharam Kashiram Keshav Toraskar. 6. Uttam Shankar Zantye. 7. Raghunath Laxman Kavathankar. 8. Ladu Vishnu Zantye. 9. Manguesh Keshav Toraskar. 10. Ravji Babu Narayan Gangaram & Govind Rajaram Tari. 11. Vithal Laxman Bhagat. 12. Mohan Vithal Naik.	
118/0 O:	Purushottam Ramnath Keni.	745
120/0 O:	Purushottam Ramnath Keni.	995
121/0 O:	Purushottam Ramnath Keni. Exe. Eng., D. XVII (PHE), PWD, Porvorim, 666 sq. mts.	135
122/0 O:	1. Purushottam Ramnath Keni. Exe. Eng., D. XVII (PHE), PWD, Porvorim, 396 sq. mts.	505

1	2	3
T:	Nhanu Raghunath Toraskar (Bharad Land).	
OR:	One Primary School. Inas Luis Fernandes. Anton Xavier De Souza. Anton Caitan Fernandes. Rosin Tomas De Souza. Paulu Philip Fernandes.	
123/0 O:	Purushottam Ramnath Keni.	830
124/0 O:	Purushottam Ramnath Keni.	470

Boundaries :

North : S. No. 118, 117, 116, Road.

South : S. No. 120, 117, 116, 115, 74,
(proposed road).East : Road, State boundary, S. No.
120, 121, 122, 123, 124, 72, 73,
Road.West : S. No. 118, 117, 116, 115, 104,
95, 84, 74, Road.

Total: 7705

By order and in the name of the Governor
of Goa.

Pandharinath N. Naik, Under Secretary (Rev-I).
Porvorim, 5th August, 2010.

Notification

No. 23/6/2010-RD

Whereas it appears to the Government of Goa (hereinafter referred to as "the Government") that the land specified in the Schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose, viz. L.A. for const. of main road Fatorpa to near Saraswati temple to Buringwada in Balli Adnem in Quepem Constituency in Village Tiloi of Quepem and Village Cuncolim of Salcete Taluka.

Now, therefore, the Government hereby notifies under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as "the said Act") that said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition.

Any contract for the disposal of the said land by sale, lease, mortgage, assignment, exchange or otherwise or any outlay commenced or improvements made thereon without the sanction of the Collector appointed under paragraph 4 below, after the date of the publication of this notification, will under clause (seventh) of Section 24 of the said Act be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette and in two daily newspapers and public notice thereof shall be given in due course. If the acquisition is abandoned wholly or in part, the fact will also be notified in the same manner.

4. The Government further appoints under clause (c) of Section 3 of the said Act, the Dy. Collector & S.D.O., Quepem-Goa to perform the functions of a Collector, under the said Act in respect of the said land.

5. The Government also authorizes under sub-section (2) of Section 4 of the said Act, the following Officers to do the acts, specified therein in respect of the said land.

1. The Collector, South Goa District, Margao-Goa.
2. The Dy. Collector & S.D.O., Quepem-Goa.
3. The Executive Engineer, W.D. XXV (R), PWD, Fatorda, Margao-Goa.
4. The Director of Settlement and Land Records, Panaji-Goa.

6. A rough plan of the said land is available for inspection in the Office of the Dy. Collector/S.D.O., Quepem-Goa for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

<i>Taluka:</i> Salcete		<i>Village:</i> Cuncolim
Survey No./ Sub-Div. No.	Names of the persons believed to be interested	Approx. area in sq. mts.
1	2	3
671/5 part O:	1) Kashi Pai Cacode.	70.00
	T: 2) Caetano Fernandes.	
7 part O:	1) Kashi Pai Cacode.	15.00
	T: 2) Niclau Fernandes.	

1	2	3
8 part O:	1) Kashi Pai Cacode.	100.00
9 part O:	Government.	25.00
674/5 part O:	1) Ravindranath Uttam Pai Kakode.	10.00
	2) Narayan Uttam Pai Kakode.	
	3) Vishwas Krishna Naik.	
	4) Deelip K. Naik.	
	5) Ruzada Fernandes.	

Boundaries :

North : S. No. 674/3.

South : Village Tiloi, Taluka Quepem.

East : Road.

West : S. No. 671/5, 7.

Total: 220.00

Taluka: Salcete

Village: Quepem

2/4 part O:	1) Devappa Shaba Naik Dessai.	200.00
	2) Ganesh Audu Naik Dessai.	
	3) Soiru Shanker Naik Dessai.	
	4) Babuso Purushottam Naik Dessai.	
8/5 part O:	1) Uttam Shivram Phal Dessai.	130.00
6 part O:	1) Devappa Shaba Naik Dessai and Bros.	255.00
4 part O:	1) Devappa Shaba Naik Dessai.	20.00
	2) Ganesh Audu Naik Dessai and Bros.	
	3) Soiru Shankar Naik Dessai & Bros.	
	4) Babusso Purushottam Naik Dessai.	
	5) Audu Rama Naik Dessai.	
	6) Anand Babu Naik Dessai.	
	7) Ramanath Babu Naik Dessai.	
	8) Shantabai Gopi Naik Dessai.	
	9) Laxman Pandhari Naik Dessai.	

Boundaries :

North : Village Cuncolim, Taluka Salcete.

South : Road.

1	2	3
East	: S. No. 2/4, Nala, S. N. 8/4, 6.	
West	: S. No. 2/4, S. No. 8/6, 5.	
		Total: 605.00
		Grand Total: 825.00

By order and in the name of the Governor
of Goa.

Pandharinath N. Naik, Under Secretary (Rev-I).

Porvorim, 5th August, 2010.

Notification

No. 23/22/2009-RD

Whereas by Government Notification No. 23/22/2009-RD dated 30-07-2009 published on Series II No. 20 of the Official Gazette dated 13-08-2009 and in two newspapers (1) "The Times of India" dated 06-08-2009 and (2) "Lokmat" dated 07-08-2009, it was notified under Section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as "the said Act"), that the land specified in the Schedule appended to the said Notification (hereinafter referred to as the said land), was needed for public purpose, viz. Additional Land Acquisition for construction of B/6 distributory of R.B.M.C. of T.I.P. from ch. 5.820 kms. to 15.900 kms. in Torcem, Mopa Villages of Pernem Taluka.

And whereas, the Government of Goa (hereinafter referred to as the "Government") being of the opinion that the acquisition of the said land is urgently necessary, hereby applies the provisions of sub-section (1) of Section 17 of the said Act and directs that the Collector appointed under paragraph 2 below, shall, at any time, on the expiry of fifteen days from the date of the publication of the notice relating to the said land under sub-section (1) of Section 9 of the said Act, take possession of the said land.

Now, therefore, the Government hereby declares under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government also hereby appoints, under clause (c) of Section 3 of the said Act, the Special Land Acquisition Officer (N), G.T.I.D.C., Karaswada, Colvale Road, Bardez-Goa to perform the functions of the Collector, for all proceedings hereinafter to be taken in respect of the said land and directs

him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said the Special Land Acquisition Officer (N), G.T.I.D.C., Karaswada, Colvale Road, Bardez-Goa till the award is made under Section 11.

SCHEDULE

(Description of the said land)

Taluka: Pernem *Village:* Mopa

Survey No./ Sub-Div. No.	Names of the persons believed to be interested in land	True area in sq. mts.
1	2	3
22/1 part O:	Laxman Vishnu Naik. Shankar Arjun Naik. Ghorko Fatu Naik. Rajaram Atmaram Parab. Babali Dhondu Parab. Ankush Arjun Parab. Mahadev Sagun Parab.	4025
3 part O:	Narayan Govind Deshprabhu. Rajaji Balakrishna Deshpabhu. Krishnaji Parshuram Deshprabhu. Rajaram Shriram Deshpabhu. Amrutrao Nagesh Deshpabhu. Government of Goa, Executive Engineer, W.D.XIII, P.W.D. Mapusa. T: Vincent Diago Fernandes. Atmaram Narayan Assolkar. Devu Babaji Maulankar.	8720
23/5 part O:	Shankar Vishnu Naik. Laxman Vishnu Naik.	208
	T: Laxman Govind Ghure.	
6 part O:	Laxman Vishnu Naik Gaonkar.	1071
	T: Laxman Govind Ghure.	
7 part O:	Narayan Fato Naik. Laxman Vishnu Naik Gaonkar.	1770
	T: Laxman Govind Ghure.	
23/8 part O:	Ghorko Fatu Naik. Laxman Vishnu Naik Gaonkar.	415
	T: Laxman Govind Ghure.	

Boundaries :

North : Village Torcem.

South : S. No. 22/4.

1	2	3	1	2	3
	East : S. No. 23/8, 7, 22/1, 3, 4.		5 part O:	Vithu Chandro Parab.	1590
	West : S. No. 23/5 to 7, 22/1, 3.			Jairam Vaman Parab.	
		Total: 16209		Vasant Shiva Parab.	
Taluka: Pernem		Village: Torcem	6 part O:	Nhanu Raghoba Parab.	760
				Dattaram Sadashiva Parab.	
226/1 part O:	Sagun Tukaram Harijan.	4220	7 part O:	Vishnu Ganesh Deshprabhu.	550
	Arjun Hari Harijan.		T:	Atmaram Narayan Assolkar.	
	Bhiso Mhataro Harijan.		227/8 part O:	Devu Aapa Parab.	175
	Ramchandra Vishram Harijan.			Tukaram Kusso Parab.	
9 part O:	Bhikaji Gunaji Harijan.	485		Mahadev Zilu Parab.	
	Yeshwant Govind Harijan.		9 part O:	Shreedev Mauli Khavalnath	110
	Laximan Babalo Harijan.			Var Devasthan Committee	
	Mukund Arjun Harijan.			Torcem.	
8 part O:	Sagun Tukaram Harijan.	6	10 part O:	Balkrishan Ladkoba	180
	Arjun Hari Harijan.			Deshprabhu.	
	Bhiso Mhataro Harijan.		T:	Vicent Fernandes.	
	Ramchandra Vishram Harijan.		11 part O:	Balkrishan Ladkoba	165
227/1 part O:	Yeshwant Gangaram Shetye.	1943		Deshprabhu.	
	Yenba Sagun Shetye.		T:	Duming Fernandes.	
	Shankar Shiva Shetye.		12 part O:	Raghoba Nhanu Parab.	345
	Mahadev Bhiva Shetye.			Dattaram Sadashiva Parab.	
	Narayan Yesso Shetye.		13 part O:	Balkrishan Ladkoba	430
	Atmaram Babalo Shetye.			Deshprabhu.	
	Ladu Soma Shetye.		T:	Babal Babaji Mavlankar.	
	Rama Yeshwant Shetye.				
	Sagun Laxman Shetye.			Boundaries :	
	Bhadu Sabaji Shetye.			North : S. No. 226/9, 1, 227/2, 5.	
	Tukaram Soma Shetye.			South : Village Mopa.	
	Parshuram Shambha Shetye.			East : S. No. 226/1, 227/2 to 13.	
	Sudan Narayan Shetye.			West : S. No. 226/9, 1, 227/1, 5, 6.	
	Vishnu Ganesh Deshprabhu.				
2 part O:	Shreedev Mauli Khavalnath	1730			Total: 14654
	Var Devasthan Committee				
	Torcem.				Grand Total: 30863
3 part O:	Rama Ladu Kulakarni.	960			
T:	Rama Yeshwant Shetye.			By order and in the name of the Governor	
4 part O:	Radhakrishna Dattaram	1005		of Goa.	
	Samant.				
T:	Ladu Soma Shetye.			Pandharinath N. Naik, Under Secretary (Rev-I).	
				Porvorim, 5th August, 2010.	